

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MONTEZ KENNEDY,

Plaintiff,

File No. 2:07-CV-194

v.

HON. ROBERT HOLMES BELL

DAVID BERGH, et al.,

Defendants.

**ORDER ADOPTING IN PART AND REJECTING IN PART
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

In accordance with the opinion entered this date,

IT IS HEREBY ORDERED that Plaintiff's objections to the Report and Recommendation of the Magistrate Judge (Dkt. No. 8) are **GRANTED IN PART and DENIED IN PART**. To the extent Plaintiff objects to dismissal of his retaliation claim against Defendants Salo, Rutter, Rapelje, and Semasky, his objections are granted. To the extent he objects to dismissal of his retaliation claim against Defendant Bergh and to dismissal of his equal protection and substantive due process claims against all Defendants, his objections are denied.

IT IS FURTHER ORDERED that the Report and Recommendation of the Magistrate Judge is **ADOPTED IN PART and REJECTED IN PART** as explained in the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's equal protection and substantive due process claims are **DISMISSED**.

IT IS FURTHER ORDERED that Plaintiff's claims against Defendant Bergh are **DISMISSED**.

IT IS FURTHER ORDERED that Plaintiff's complaint shall be served on Defendants Salo, Rutter, Rapelje, and Semasky, with instructions that the complaint will proceed only on Plaintiff's retaliation claim.

Dated: August 12, 2008

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE